

Sumter City-County Zoning Board of Appeals

September 8, 2010

BOA-10-27, 11 N. Blanding St. (City)

I. THE REQUEST

Applicant: Dignity Village Housing Association

Status of the Applicant: Property owner

Request: The applicant is requesting a 3 foot, 4 inch variance from the 5 foot setback requirement for freestanding signs in residential districts, as per Exhibit 19 in the Zoning Ordinance.

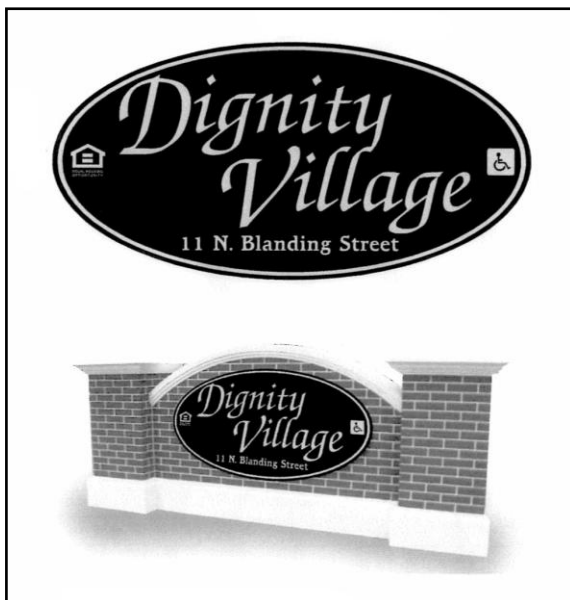
Location: 11 N. Blanding St.

Present Use/Zoning: Residential / R-6

Tax Map Reference: 228-11-04-009

II. BACKGROUND

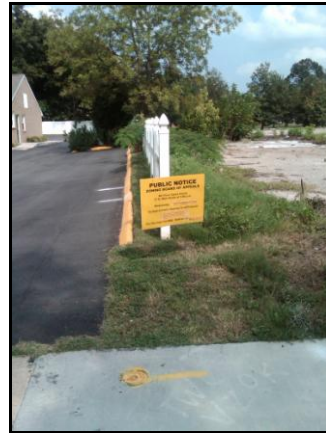
The applicant wishes to place a new sign near the entrance to the property. The purpose of the sign is to make locating Dignity Village easier for those driving on Liberty Street.



Left: The concept for the proposed sign.



Left: Signs are required to be installed outside of the sight vision triangle as shown at left, which in this case means at least 15 feet from the street ROW. The sign is also supposed to meet a side setback of 5 feet from the property line. In this case, the driveway interferes with the applicant's ability to meet this 5 foot setback.



Above left: View of the Property.

Above right: View of the area where proposed sign will be placed. The fence is not on the property line. The actual line is to the right of the fence in this picture. A portion of the fence will be removed in order to install the new sign. The actual distance from the proposed sign to the property line is 1 foot, 8 inches. The setback requirement is 5 feet, therefore the variance requested is 3 feet, 4 inches.

III. FOUR PART TEST

- 1) ***There are extraordinary and exceptional conditions pertaining to the particular piece of property.***

There does not appear to be any other location on the property to place the sign. The applicant stated that the location of existing utilities underground prevented them from locating the sign in closer proximity to the buildings. There are, therefore exceptional conditions necessitating the location of the sign on the other side of the driveway.

2) *These conditions do not generally apply to other property in the vicinity.*

This parcel contains the only multifamily use of this type in the vicinity. Therefore, the surrounding parcels are either single-family residential, which would not require a sign of this type, or commercial uses in commercial districts, which would have different sign standards to address.

3) *Because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The conditions imposed by the ordinance would prevent Dignity Village from being able to construct a new sign.

4) *The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the granting of the variance will not harm the character of the district.*

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. The sign will be visible from Liberty Street, which is a commercial corridor, and will not be clearly visible from the neighboring residential areas.

IV. STAFF RECOMMENDATION

Staff recommends approval based on the fact that the proposal meets the requirements of the Four-Part Test.

V. DRAFT MOTIONS FOR BOA-10-18

- A. I move that the Zoning Board of Appeals approve BOA-10-27, subject to the findings of fact and conclusions contained in the draft order, dated September 8, 2010 attached as Exhibit 1.
- B. I move that the Zoning Board of Appeals deny BOA-10-27, subject to the following findings of fact and conclusions:
- C. I move that the Zoning Board of Appeals enter an alternative motion for BOA-10-27.

VI. ZONING BOARD OF APPEALS – September 8, 2010

The Sumter City-County Board of Appeals at its meeting on Wednesday, August 11, 2010, voted to approve this request subject to the findings of fact and conclusions attached as exhibit 1.

Exhibit 1
Order on Variance Application
Board of Zoning Appeals

BOA-10-27, Dignity Village Housing Association,
11 N. Blanding St. (City)
September 8, 2010

Date Filed: August 17, 2010

Permit Case No. BOA-10-27

The Board of Zoning Appeals held a public hearing on Wednesday, September 8, 2010 to consider the appeal of Dignity Village Housing Association, 11 N. Blanding St. for a variance from the strict application of the Zoning Ordinance as set forth on the Form 3 affecting the property described on Form 1 filed herein. After consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that Applicant ☒ **has** - ☐ **does not have** an unnecessary hardship because there are no extraordinary and exceptional conditions pertaining to the particular piece of property based on the following findings of fact:

There appears to be only one location on this property where a new sign can be constructed. The applicant stated that the location of existing utilities underground prevented them from locating the sign in closer proximity to the buildings. There are, therefore exceptional conditions necessitating the location of the sign on the other side of the driveway.

2. The Board concludes that these conditions ☐ **do** - ☒ **do not** generally apply to other property in the vicinity based on the following findings of fact:

This parcel contains the only multifamily use of this type in the vicinity. Therefore, the surrounding parcels are either single-family residential, which would not require a sign of this type, or commercial uses in commercial districts, which would have different sign standards to address.

3. The Board concludes that because of these conditions, the application of the ordinance to the particular piece of property ☒ **would** - ☐ **would not** effectively prohibit or unreasonably restrict the utilization of the property based on the following findings of fact:

The conditions imposed by the ordinance would prevent Dignity Village from being able to construct a new sign.

4. The Board concludes that authorization of the variance ☐ **will** - ☒ **will not** be of substantial detriment to adjacent property or to the public good, and the character of the district ☐ **will** - ☒ **will not** be harmed by the granting of the variance based on the following findings of fact:

The authorization of this variance will not pose a substantial detriment to the adjacent property or to the public good. The sign will be visible from Liberty Street, which is a commercial corridor, and will not be clearly visible from the neighboring residential areas.

THE BOARD, THEREFORE, ORDERS that the variance is ☐ **DENIED** –
☒ **GRANTED.**

Approved by the Board by majority vote.

Date issued: _____

Chairman

Date mailed to parties in interest: _____

Secretary

Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.
